



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,949	08/22/2003	Sheldon H. Foss JR.	03001.1010	8255

35856

7590

10/09/2008

SMITH FROHWEIN TEMPEL GREENLEE BLAHA, LLC

Two Ravinia Drive

Suite 700

ATLANTA, GA 30346

EXAMINER

SWARTZ, JAMIE H

ART UNIT

PAPER NUMBER

3694

MAIL DATE

DELIVERY MODE

10/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/645,949

Applicant(s)

FOSS ET AL.

Examiner

JAMIE H. SWARTZ

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Status

1. This action is in response to the amendment filed on August 30, 2007. Claims 3-19 are pending. Claims 1, 2, and 20 are cancelled. Claims 3, 5-12, 14, 16, 18 are amended.
2. Also, Examiner notes that, as per MPEP § 2144.03(C), the statements of Official Notice made in the art rejection have been established as admitted prior art since Applicant has not traversed the Examiner's assertions of Official Notice.

Response to Arguments

3. Applicant's arguments filed August 30, 2007 have been fully considered but they are not persuasive.
4. The applicant argues (pg. 8), lines 3-10 with regards to claim 3 that Risafi (6,473,500) fails to teach qualifying a customer. The examiner respectfully disagrees. The applicant only stated in the original application that the customer needs to be qualified (though later amended). The examiner asserts that a job at a company that supports the use of the card and gives that employee a card is a qualification for the card (taught col. 8, lines 5-21).

5. The applicant argues (pg. 8), lines 11-19 with regards to claim 4, that Risafi (6,473,500) fails to teach a direct deposit account. The examiner respectfully disagrees. A direct deposit is known to one of ordinary skill in the art to be when electronic funds that are directly deposited into an account rather than through a paper check. An account is known to one of ordinary skill in the art to be an arrangement by which an organization accepts a customer's financial assets and holds them on behalf of the customer at his or her discretion. Accounts can be a credit card account, a savings account, or a checking account. A direct deposit account is an account in which money is directly deposited. Thus Risafi who teaches a card (account) which a direct deposit gets transferred to, teaches a direct deposit account.

6. The applicant argues (pg. 8), lines 20-23 with regards to claim 6 that Risafi (6,473,500) fails to teach qualifying a customer. The examiner respectfully disagrees. The applicant only stated in the original application that the customer needs to be qualified (though later cancelled). The examiner asserts that a job at a company that supports the use of the card and gives that employee a card is a qualification for the card (taught col. 8, lines 5-21).

7. The applicant argues (pg. 9), lines 10-14 with regards to claims 5 and 10 that Risafi (6,473,500) fails to teach gaining access to a direct deposit account of a particular customer and extracting funds from the direct deposit account. The examiner respectfully disagrees. Though it is true that the employer originally hands out prepaid

cards to their employees this act is not on a continual basis. The cards are not disposable cards, once the applicant receives the card the money is transferred directly to the cards account (col. 8, lines 35-52).

8. The applicant argues (pg. 9), lines 15-20 with regards to claims 5 and 10 that Risafi (6,473,500) fails to teach qualifying a customer. The examiner respectfully disagrees. The applicant only stated in the original application that the customer needs to be qualified (though later amended). The examiner asserts that a job at a company that supports the use of the card and gives that employee a card is a qualification for the card (taught col. 8, lines 5-21).

Specification

9. The amendment filed August 30, 2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The claim includes information about funds extraction due to payment performance requirements, the specification does not include any information regarding such an extraction. Thus this is new mater.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

11. Claim 12 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claim includes information about establishing payment performance requirements; the specification does not include any information regarding such requirements. Thus this is new mater.

12. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. Claims 3-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

14. Regarding claims 3 and 5, the phrase "qualifying the particular customer" renders the claim indefinite because it is unclear what is being measured, how it is being measured, and how the value is being ranked or applied. Claims 4 and 5 inherit the rejection of claim 3.

15. Regarding claim 12, the phrase "the initial deposit being obtained by gaining access to a direct deposit account of the particular customer and extracting funds from the direct deposit" renders the claim indefinite because the language of the claim is unclear. It appears that a deposit is being made by extracting funds. Based on what is known in the art to be a deposit it is unclear how the first deposit into an account is made by withdrawing money from that same account.

16. Regarding claim 12, the phrase "cause a fund extraction from the customer's direct deposit account if the customer fails to meet the established payment performance requirements" renders the claim indefinite because it is unclear what limitations exist to cause the fund extraction. It is also unclear what types of payment performance requirements exist on the customer. Does it have to do with the payment performance requirements for the line of credit?

17. Regarding claim 12, the phrase "and access to the direct deposit account" renders the claim indefinite because it is unclear what type of access the applicant is claiming. Is the applicant claiming physical access? Is the applicant claiming internet access?

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 3, 4, 6, 7, 9, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Risafi et al. (US 6473500 B1) in view of applicants admitted prior art in further view of Foutz (US 20030074277 A1)

20. Regarding claim 3, Risafi teaches a *method for providing a financial account service* (col. 3, line 53 – col. 5, line 17). Risafi teaches *creating a funded financial account* (col. 8, lines 5- 21). Risafi teaches *wherein the funded financial account is associated with a particular customer and creating the funded financial account* (col. 3, line 53 – col. 5, line 17). Risafi teaches *qualifying the particular customer* (col. 8, lines 15-52). Risafi teaches *receiving funds from the particular customer* (col. 4, lines 17 - 60). Risafi teaches *depositing the funds received from the particular customer into the funded financial account* (col. 8, lines 15-52). Risafi teaches *issuing a transaction card, the transaction card being operable to be used in financial transactions and is associated with the funded financial account* (col. 4, line 16 – col. 5, line 17, col. 6, lines 25-35). Risafi teaches *receiving a financial transaction request based on the use of the transaction card* (col. 4, lines 17 - 60). Risafi teaches *clearing the financial transaction utilizing the funded financial account* (col. 4, line 17-60). On page 12 of the specification the applicant states that underwriting criteria is standard in the industry and known to

those skilled in the art. Risafi does not specifically teach applying underwriting criteria as a qualification. However, Foutz teaches qualifying a particular customer based on received information pertaining to the customer in view of underwriting criteria (§ 47). One of ordinary skill in the art would have recognized that applying the known technique of Foutz would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the technique of Foutz to the teachings of Risafi would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such customer background checking into similar systems. Further, applying an underwriting criterion to Risafi would have been recognized by those of ordinary skill in the art as resulting in an improved system that would have been more secure.

21. Regarding claim 4, Risafi teaches *wherein the step of receiving funds from the particular customer* (col. 8, lines 21- 52, col. 10, lines 1 - 31). Risafi teaches *gaining access to a direct deposit account of the particular customer* (col. 8, lines 15-52, col. 1, lines 20-53). Risafi teaches *extracting the funds from the direct deposit account* (col. 3, line 53 – col. 5, line 17, col. 8, lines 15-52, col. 9).

22. Regarding claim 6, Risafi teaches *wherein the funded financial account is associated with a particular customer* (col. 3, line 53 – col. 5, line 17). Risafi teaches *gaining access to a direct deposit account of the particular customer* (col. 8, lines 15-52, col. 1, lines 20-53). Risafi teaches *extracting the funds from the direct deposit account*

(col. 3, line 53 – col. 5, line 17, col. 8, lines 15-52, col. 9). Risafi teaches *depositing the funds received from the particular customer into the funded financial account* (col. 8, lines 15-52).

23. Regarding claim 7, Risafi teaches *wherein the funded financial account is associated with a particular customer and the step of creating the funded financial account further* (col. 3, line 53 – col. 5, line 17). Risafi teaches *receiving funds from the particular customer at a point of sale terminal* (col. 6, line 65 – col. 7, line 18). Risafi teaches *depositing the funds received from the particular customer into the funded financial account* (col. 6, line 65 – col. 7, line 18).

24. Regarding claim 9, Risafi teaches *wherein the funded financial account is associated with a particular customer* (col. 3, line 53 – col. 5, line 17). Risafi teaches *gaining access to a direct deposit account of the particular customer* (col. 8, lines 15-52, col. 1, lines 20-53). Risafi teaches *extracting the funds from the direct deposit account* (col. 3, line 53 – col. 5, line 17, col. 8, lines 15-52, col. 9). Risafi teaches *depositing the funds received from the particular customer into the funded financial account* (col. 8, lines 15-52).

25. Regarding claim 11, Risafi teaches *issuing a branded transaction card* (col. 10, line 32 – col. 11, line 42).

26. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Risafi et al. (US 6473500 B1) in view of Vasic (US 20010034676 A1) in view of applicants admitted prior art in further view of Foutz (US 20030074277 A1).

27. Regarding claim 5, Risafi teaches a *method for providing a financial account service* (col. 3, line 53 – col. 5, line 17). Risafi teaches *creating a funded financial account* (col. 8, lines 5- 21). Risafi teaches *wherein the funded financial account is associated with a particular customer and creating the funded financial account* (col. 3, line 53 – col. 5, line 17). Risafi teaches *qualifying the particular customer* (col. 8, lines 15-52). Risafi teaches *receiving funds from the particular customer by gaining access to a direct deposit account of the particular customer* (col. 8, lines 15-52, col. 1, lines 20-53, col. 4, lines 17 - 60). Risafi teaches *extracting the funds from the direct deposit account* (col. 3, line 53 – col. 5, line 17, col. 8, lines 15-52, col. 9). Risafi teaches *depositing the funds received from the particular customer into the funded financial account* (col. 8, lines 15-52). Risafi teaches *issuing a transaction card, the transaction card being operable to be used in financial transactions and is associated with the funded financial account* (col. 4, line 16 – col. 5, line 17, col. 6, lines 25-35). Risafi teaches *receiving a financial transaction request based on the use of the transaction card* (col. 4, lines 17 - 60). Risafi teaches *clearing the financial transaction utilizing the funded financial account* (col. 4, line 17-60). Risafi teaches *gaining access to a direct deposit account of the particular customer* (col. 8, lines 15-52, col. 1, lines 20-53). Risafi teaches *extracting the funds from the direct deposit account* (col. 3, line 53 – col. 5, line

17, col. 8, lines 15-52, col. 9). Risafi does not teach a line of credit. However, Vasic teaches *providing a line of credit that can be drawn against by the particular customer* (§ 24). Vasic teaches *establishing payment performance requirements for the line of credit* (§ 28, 50 - 67). Vasic teaches *extracting funds from the direct deposit account to cover an outstanding balance if the particular customer fails to meet the payment performance requirements* (§ 28, 50 - 67). Risafi discloses a system and a method for using a prepaid card that offers the flexibility needed in transacting electronic payments. Risafi discloses that the system includes a card user, a card issuer, an agent who sells or distributes the card, and a terminal. The card issuer, such as a bank, issues a card and offers it for sale or distribution through its own branches or through an agent or network of agents. Vasic discloses a way to offer an employee a financial resource from which forwarded wages may be drawn. Vasic discloses providing a payroll access resource, which may be accomplished by providing a third party bank account. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Risafi to include the details of a line of credit. A line of credit denotes a limit of credit extended by a bank to a customer. It allows a customer to borrow money they don't have at a lender set rate. As long as the borrower is faithful in paying back the money, it is a win-win situation for all parties involved. The card disclosed by Risafi has a limit, which is the value put on by the customer. When involved in any repayments or credit, performance is closely monitored and requirements are always placed on repayment. Secure credit cards existed during the time of the invention. Those cards allow for the purchase of a "credit card" with a limit defined by the amount put on the card, just as

Risafi put a value in their card. But this card also allows for the customer who is using the card to gain a credit rating (or performance requirement). On page 12 of the specification the applicant states that underwriting criteria is standard in the industry and known to those skilled in the art. Risafi does not specifically teach applying underwriting criteria as a qualification. However, Foutz teaches qualifying a particular customer based on received information pertaining to the customer in view of underwriting criteria (§ 47). One of ordinary skill in the art would have recognized that applying the known technique of Foutz would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the technique of Foutz to the teachings of Risafi would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such customer background checking into similar systems. Further, applying an underwriting criterion to Risafi would have been recognized by those of ordinary skill in the art as resulting in an improved system that would have been more secure.

28. Regarding claim 10, Risafi teaches creating a funded financial account, issuing a transaction card, receiving a financial transaction, and clearing the financial transaction. Risafi teaches *wherein the funded financial account is associated with a particular customer* (col. 3, line 53 – col. 5, line 17). Risafi teaches *gaining access to a direct deposit account of the particular customer* (col. 8, lines 15-52, col. 1, lines 20-53). Risafi does not teach a line of credit or extracting funds from the direct deposit account to cover an outstanding balance. However, Vasic teaches *providing a line of credit that*

can be drawn against by the particular customer (§ 28, 31, 51, 53, 60). Vasic teaches *establishing payment performance requirements for the line of credit* (§ 28, 31, 51, 53, 60). Vasic teaches *extracting funds from the direct deposit account to cover an outstanding balance if the particular customer fails to meet the payment performance requirements* (§ 24- 49). Risafi discloses that the system includes a card user, a card issuer, an agent who sells or distributes the card, and a terminal. The card issuer, such as a bank, issues a card and offers it for sale or distribution through its own branches or through an agent or network of agents. Vasic discloses a way to offer an employee a financial resource from which forwarded wages may be drawn. Vasic discloses providing a payroll access resource, which may be accomplished by providing a third party bank account. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Risafi to include the details of a line of credit. A line of credit denotes a limit of credit extended by a bank to a customer. It allows a customer to borrow money they don't have at a lender set rate. As long as the borrower is faithful in paying back the money, it is a win-win situation for all parties involved. The card disclosed by Risafi has a limit, which is the value put on by the customer. When involved in any repayments or credit, performance is closely monitored and requirements are always placed on repayment. Secure credit cards existed during the time of the invention. Those cards allow for the purchase of a "credit card" with a limit defined by the amount put on the card, just as Risafi put a value in their card. But this card also allows for the customer who is using the card to gain a credit rating (or performance requirement).

29. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Risafi et al. (US 6473500 B1) in view of INGdirect.com (As viewed through web.archive.org October 10, 2002) in view of applicants admitted prior art in further view of Foutz (US 20030074277 A1)

30. Regarding claim 8, Risafi teaches *wherein the funded financial account is associated with a particular customer and the step of creating the funded financial account* (col. 3, line 53 – col. 5, line 17). Risafi does not teach receiving and depositing funds by mail. However, INGdirect.com teaches *receiving funds from the particular customer through the mail* (pg. 1-11). INGdirect.com teaches *depositing the funds received from the particular customer into the funded financial account* (pg. 1-11). Risafi discloses a system and a method for using a prepaid card that offers the flexibility needed in transacting electronic payments. Risafi discloses that the system includes a card user, a card issuer, an agent who sells or distributes the card, and a terminal. The card issuer, such as a bank, issues a card and offers it for sale or distribution through its own branches or through an agent or network of agents. INGdirect.com is a bank and discloses different types of financial accounts, which are available through them. It would have been obvious to modify Risafi to include the details of mailing in the deposit because mailing in money to be added (deposited) the account allows for financial companies without physical buildings to offer deposit services to their customers. Even a company with physical buildings can allow their customers ease of use by allowing

them to mail in their deposits rather than standing in line or having them bend their schedules around banking hours. It also adds an extra service aspect as mailing checks allows for customers who may own homes in more than one state to keep and maintain their accounts in one state.

31. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss et al. (US 5866889 A) in view of Vasic (US 20010034676 A1) in further view of Official Notice.

32. Regarding claim 12, Weiss teaches *a data collection component, wherein said data collection component is operable receive account option data, account formation data and an initial deposit* (col. 4, line 59 – col. 7, line 5, col. 8, line 66 – col. 9, line 22, col. 12, line 6 – col. 13, line 49, col. 14, line 60 – col. 15, line 2, col. 16, lines 12 - 19). Weiss teaches *a decision engine operable to qualify a customer for an account based at least in part on said formation data and said account option data* (col. 13, lines 5 - 49). Weiss teaches *a transactional processing component operable to receive transactions initiated with the transaction card and clear the transactions against the account* (col. 4, line 11 – col. 6, line 29, col. 9, line 23 – col. 10, line 23). Weiss teaches wherein the initial deposit being obtained by gaining access to a direct deposit account of the particular customer (col. 15, line 29 - col. 16, line 44). Official notice is taken that a withdrawal from an account was well known in the art at the time of the invention. Weiss teaches *an account creation component operable to establish an account for the*

qualified customer based at least on part on the account option data and account formation data and to create a transaction card (col. 4, line 11 – col. 6, line 29, col. 9, line 23 – col. 10, line 23, col. 19, lines 9-60). Weiss however does not teach a checkless checking account. However, Vasic teaches a checkless checking account (§ 24- 47). Vasic teaches based at least in part on the account formation data and the access to the direct deposit account, establishing payment performance requirements for the line of credit (§ 28, 50 - 67). Vasic teaches extracting funds from the direct deposit account to cover an outstanding balance if the particular customer fails to meet the payment performance requirements (§ 28, 50 - 67). Vasic teaches providing a line of credit that can be drawn against through the use of the transaction card (§ 12, 24, 39-50). Weiss teaches a banking system and method for opening an account. Weiss discloses full investment capability, full banking capability, bill payment capability, lending capability-- basically everything a customer would financially need to do. Vasic discloses a way to offer an employee a financial resource from which forwarded wages may be drawn. Vasic discloses providing a payroll access resource, which may be accomplished, by providing a third party bank account. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Weiss to include the details of a checkless checking account because a checkless checking account saves money and provides a greater efficiency in the banking world. Payroll cards, which can be used at automatic teller machines, have existed for over 10 years. They were developed to market to corporations with large numbers of unbanked employees or highly

decentralized operations. It reduces the need to produce checks and send them by overnight delivery to various locations.

33. Regarding claim 13, Weiss teaches *wherein the initial deposit is placed into a stored value component* (col. 16, lines 12 – 19).

34. Regarding claim 14, Weiss teaches *wherein said account further comprises an overdraft component, wherein said overdraft component is coupled to said stored value component* (col. 19, line 39 – col. 20, line 8).

35. Regarding claim 15, Weiss teaches *wherein said overdraft component has a value that is determined by said decision engine* (col. 19, line 39 – col. 20, line 8).

36. Claims 16-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss et al. (US 5866889 A) in view of Vasic (US 20010034676 A1) in further view of Palm Beach Post (1999) in further view of Official Notice.

37. Regarding claim 16, Weiss teaches *receiving account option data* (col. 10, line 51 – col. 11, line 64, col. 12, line 63 – col. 13, line 26, col. 18, lines 34 – 55, col. 19, lines 1 – 29). Weiss teaches *receiving account formation data, wherein said account formation data is based upon said account option data* (col. 9, lines 48 – 61, col. 13, line 5 – col. 14, line 17). Weiss teaches *determining an account type based at least in part*

upon said account option data and said account formation data (col. 10, line 51 – col. 11, line 64, col. 12, line 63 – col. 13, line 26, col. 18, lines 34 – 55, col. 19, lines 1 – 29). Weiss teaches creating an account, wherein said account is based upon said account type (col. 10, line 51 – col. 11, line 64, col. 12, line 63 – col. 13, line 26, col. 18, lines 34 – 55, col. 19, lines 1 – 29). Weiss teaches *receiving funds into a stored value component* (col. 4, line 33 – col. 6, line 44, col. 7, line 49 – col. 8, line 34). Weiss teaches receiving funds and a direct deposit account (col. 4, line 33 – col. 6, line 44, col. 7, line 49 – col. 8, line 34). Weiss teaches *providing an account access card, wherein said access card is based upon said account option data and has an associated value based upon said stored value component* (col. 4, line 11 – col. 7, line 10, col. 8, line 55 – col. 10, line 23). Weiss teaches overdraft protection (col. 19, line 14-60). Wherein the individual is required to qualify for the service. Overdraft protection was old and well know in the art at the time of the invention to be a feature offered on account for when the person goes over the amount in their account, that the bank would still pay the transaction even though the account is overdrawn. Palm Beach Post teaches receiving a transaction request with a value that exceeds the amount of funds available in the stored value component of the account (pg. 1). Palm Beach Post also teaches authorizing the clearing of the transaction (pg. 1). Weiss does not teach a checkless checking account. However, Vasic *teaches a checkless checking account* (§ 24- 47). Vasic teaches *establishing payment performance requirements for the line of credit* (§ 28, 50 - 67). Weiss teaches a banking system and method for opening an account. Weiss discloses full investment capability, full banking capability, bill payment capability,

lending capability--basically everything a customer would financially need to do. Vasic discloses a way to offer an employee a financial resource from which forwarded wages may be drawn. Vasic discloses providing a payroll access resource which may be accomplished by providing a third party bank account. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Weiss to include the details of a checkless checking account because a checkless checking account saves money and provides greater efficiency in the banking world. By adding a value to an access card, their pay can be accessed by the employee the second the money hits the account, rather than having to get their paycheck and having to cash the paycheck. Payroll cards, which can be used at automatic teller machines have existed for over 10 years. They were developed to market to corporations with large numbers of unbanked employees or highly decentralized operations. It reduces the need to produce checks and send them by overnight delivery to various locations.

38. Regarding claim 17, Weiss teaches *a stored value component may be modified by the step of receiving additional funds* (col. 4, line 33 – col. 6, line 44, col. 7, line 49 – col. 8, line 34).

39. Regarding claim 19, Weiss teaches *receiving a transaction request for a financial transaction utilizing the account access card* (col. 1, lines 42 – 51, col. 6, lines 15 – 30, col. 8, lines 34 – 50, col. 4, line 11 – col. 6, line 29, col. 9, line 23 – col. 10, line 23, col. 19, lines 9-60). Weiss teaches *clearing the transaction* (col. 1, lines 42 – 51, col. 6, lines

15 – 30, col. 8, lines 34 – 50, col. 4, line 11 – col. 6, line 29, col. 9, line 23 – col. 10, line 23, col. 19, lines 9-60).

40. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss et al. (US 5866889 A) and Vasic (US 20010034676 A1) in further view of Palm Beach Post (1999) in further view of Official Notice now admitted prior art.

41. Regarding claim 18, Weiss teaches *receiving a transaction request for a cash withdrawal from an authorized automated teller machine utilizing the account access card* (col. 1, lines 42 – 51, col. 6, lines 15 – 30, col. 8, lines 34 – 50). Weiss teaches *clearing the transaction* (col. 1, lines 42 – 51, col. 8, lines 34 – 50). Weiss does not teach rejecting any other type of transaction. Official notice now admitted prior art is taken that it was old and well known in the art at the time of the invention if a customer attempts to try to do “any other” transaction that is not supported by the automatic teller machine, the automatic teller machine would reject the transaction.

42. Examiner's Note: The Examiner has cited particular columns and line numbers in the references as applied to the claims for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part

of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

43. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **JAMIE H. SWARTZ** whose telephone number is (571)272-7363. The examiner can normally be reached on 8:00am-4:30pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. H. S./
Examiner, Art Unit 3694

/Mary Cheung/
Primary Examiner, Art Unit 3694